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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
LAURA SEIDL, individually and on behalf :  
of all others similarly situated, :

Plaintiff, :

08 Civ. 8857 (DLC)

-v- :

ORDER

AMERICAN CENTURY COMPANIES, INC., et :  
al., :

Defendants. :  
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DENISE COTE, District Judge:

At a telephone conference held today in the above-captioned matter, both parties agreed that the application of the Court's decision in McBrearty v. Vanguard Group, Inc., No. 08 Civ. 7650 (DLC), 2009 WL 875220 (S.D.N.Y. Apr. 2, 2009), would result in dismissal of the claims brought by plaintiff alleging violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968 ("RICO"). It is hereby

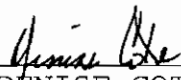
ORDERED that plaintiff's RICO claims are dismissed for the reasons stated in McBrearty, 2009 WL 875220 at \*2-\*4.

IT IS FURTHER ORDERED that, plaintiff having requested leave to amend to allege diversity jurisdiction, pursuant to the schedule discussed in the telephone conference, the complaint shall be amended by May 8, 2009.

IT IS FURHTER ORDERED that discovery shall be stayed pending the resolution of a motion to dismiss or motion for judgment on the pleadings.

SO ORDERED:

Dated: April 28, 2009  
New York, New York

  
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DENISE COTE  
United States District Judge